

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
RAFAEL SOTO,

Plaintiff,

-against-

NOTICE OF MOTION

12 CV 4241 (MKB) (VVP)

THE CITY OF NEW YORK, COUNTY OF KINGS,
DISTRICT ATTORNEY CHARLES J. HYNES,
DETECTIVE DANIEL BONILLA, POLICE OFFICER
ADAM FEDER, ASSISTANT DISTRICT ATTORNEY
JOHN GIANNOTTI, ASSISTANT DISTRICT
ATTORNEY LINDSAY GERDES, LIEUTENANT
CHRISTOPHE MARROW, and DETECTIVE BRIAN
MEICHSNER,

Defendants.
-----x

PLEASE TAKE NOTICE that upon the annexed Local Rule 56.1 Statement, dated October 15, 2014; the Declaration of Gregory P. Mouton, Jr., Esq., dated October 15, 2014, with exhibits; the Memorandum of Law, dated October 15, 2014; and upon all prior pleadings and proceedings had herein, Plaintiff Rafael Soto on October 15, 2014, will move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that no genuine issue of material facts exist to warrant a trial, for sanctions for spoliation, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order dated July 24, 2014, Defendants' opposition papers, if any, should be served on the undersigned on or before November 17, 2014.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order dated July 24, 2014, Plaintiff's reply papers, if any, should be served on the Defendants on or before December 1, 2014.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Individual Practices and Rules, oral argument will be on a date and at a time to be designated by the Court.

Dated: New York, New York
October 15, 2014

By: /s/
Gregory P. Mouton, Jr., Esq.
The Law Office of Gregory P. Mouton, Jr.
Attorney for Plaintiff
305 Broadway, 14th Floor
New York, NY 10007
Phone & Fax: (646) 706-7481

To:

Brian Francolla, Esq.
New York City Law Department
Attorneys for Defendants
100 Church Street
New York, NY 10007